

PROOF

STATE OF IOWA

Senate Journal

MONDAY, FEBRUARY 10, 2003

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

TWENTY-NINTH CALENDAR DAY
SEVENTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 10, 2003

The Senate met in regular session at 1:09 p.m., President Kramer presiding.

Prayer was offered by the Reverend Darran Whiting, pastor of the Calvery Baptist Church in Coggon, Iowa. He was the guest of Senator Lundby.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Susan Hildebrand and Eva Sersland.

The Journal of Thursday, February 6, 2003, was approved.

COMMITTEE ON MEMORIALS

Senator Iverson moved that a committee of six be appointed to ascertain the names of the deceased members of the Senate and that the committee be authorized to appoint committees to prepare suitable memorial resolutions.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Drake, Chair; Hosch, Gaskill, Connolly, Kibbie, and Beall.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 6, 2003, **passed** the following bill in which the concurrence of the Senate is asked:

House File 65, a bill for an act relating to motor vehicle operating while intoxicated offenses.

Read first time and passed on file.

RECESS

On motion of Senator Iverson, the Senate recessed at 1:15 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:17 p.m., President Kramer presiding.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:18 p.m. until 8:30 a.m. Tuesday, February 11, 2003.

APPENDIX**REPORT OF THE COMMITTEE ON
RULES AND ADMINISTRATION**

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on February 10, 2003:

AGRICULTURE

Todd Scott – State Soil Conservation Committee

BUSINESS AND LABOR RELATIONS

Neil Barrick – Public Employment Relations Board

ECONOMIC GROWTH

Eugene Blanshan – Iowa Capital Investment Board
Burt Chojnowski – Iowa Capital Investment Board
Carol Garrett – Iowa Capital Investment Board
Cyril Mandelbaum – Iowa Capital Investment Board
Gordon Neumann – Iowa Capital Investment Board

Michael Blouin – Director of the Department of Economic Development

EDUCATION

Neala Arnold – State Board of Regents

HUMAN RESOURCES

Christine Boyken – Child Advocacy Board
Brian Michaelson – Child Advocacy Board

James Yeast – Healthy and Well Kids in Iowa (HAWK-I) Board

Ruth White – Director of the Department of Human Rights

Cathy Anderson – Mental Health and Developmental Disabilities Commission
Michael Bergan – Mental Health and Developmental Disabilities Commission
Lynn Ferrell – Mental Health and Developmental Disabilities Commission
Russell Finken – Mental Health and Developmental Disabilities Commission
William Gorman – Mental Health and Developmental Disabilities Commission
Jon Grate – Mental Health and Developmental Disabilities Commission
Jane Halliburton – Mental Health and Developmental Disabilities Commission
Mary Hughes – Mental Health and Developmental Disabilities Commission

Julie Jetter – Mental Health and Developmental Disabilities Commission
Linda Kellen – Mental Health and Developmental Disabilities Commission
Jacqueline Kibbie-Williams – Mental Health and Developmental Disabilities Commission
Lannie Miller – Mental Health and Developmental Disabilities Commission
Lori Reynolds – Mental Health and Developmental Disabilities Commission
Brian Ridler – Mental Health and Developmental Disabilities Commission
Ronald Walls – Mental Health and Developmental Disabilities Commission
Kittie Weston-Knauer – Mental Health and Developmental Disabilities Commission

JUDICIARY

Frederick Morain – Iowa State Civil Rights Commission
Marvin Van Haaften – Drug Policy Coordinator
Terry Sweeney – Drug Policy Advisory Council
Barbara Binnie – Board of Parole

LOCAL GOVERNMENT

Wynema Morris – Iowa Lewis and Clark Bicentennial Commission
Michele Walker – Iowa Lewis and Clark Bicentennial Commission

NATURAL RESOURCES AND ENVIRONMENT

Jerry Peckumn – Environmental Protection Commission

STATE GOVERNMENT

Richard Johnson – Accountancy Examining Board
Jamie Howard – Commission on the Status of African-Americans
Lyle TeKippe – Engineering and Land Surveying Examining Board
Sheila Castaneda – IowAccess Advisory Council
Elaine Baxter – Lottery Board
Carla Eshelman – Board of Massage Therapy Examiners
Helen McNurlen – Board of Physical and Occupational Therapy Examiners
Patsy Hastings – Board of Podiatry Examiners
Kathryne Cutler – State Racing and Gaming Commission
Joyce Jarding – State Racing and Gaming Commission
Barbara Leestamper – Real Estate Appraiser Examining Board

James O'Neill – Real Estate Commission

Jeannette Adamski – Board of Speech Pathology and Audiology Examiners
Becky Vilda – Board of Speech Pathology and Audiology Examiners

John Cacciatore – Director of the Office for State-Federal Relations

Byron Coghlan – Commandant of the Iowa Veterans Home

Anne Duffy – Iowa Board of Veterinary Medicine
Ellen Kroc – Iowa Board of Veterinary Medicine

WAYS AND MEANS

Michael Ralston – Director of Revenue and Finance

David Erickson – State Board of Tax Review

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

February 10, 2003

DEPARTMENT OF NATURAL RESOURCES

Report to the Natural Resources Commission on the Classification and Management of Iowa's State Parks, State Recreation Areas, and State Preserves, pursuant to Iowa Code section 455A.4.

DEPARTMENT OF PUBLIC HEALTH

Tobacco Use Prevention and Control Progress Report — notification that the report in electronic form is available online.

TREASURER OF STATE

Linked Investments for Tomorrow Annual Report.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Ryan Jesse, Roland — For achieving the rank of Eagle Scout. Senator Iverson (2/10/03).

Kyle Robert Kehrli, Manchester — For achieving the rank of Eagle Scout. Senator Rehberg (2/10/03).

Walter B. Stevens, Fort Dodge — For receiving the Iowa Newspaper Association Distinguished Service Award. Senator Beall (2/10/03).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 6, 2003, 3:55 p.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Holveck, Ranking Member; Rehberg and Stewart.

Members Absent: None.

Committee Business: Presentations by Department of Personnel and the Iowa Lottery Board.

Adjourned: 4:20 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 6, 2003, 3:05 p.m.

Members Present: McKinley, Chair; Behn, Vice Chair; Dotzler, Ranking Member; and Quirnbach.

Members Absent: Putney (excused).

Committee Business: Overview of the Governor's budget recommendations by Legislative Fiscal Bureau.

Adjourned: 3:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 6, 2003, 3:10 p.m.

Members Present: Schuerer, Chair; Kibbie and Shull.

Members Absent: Boettger, Vice Chair; and Horn, Ranking Member (both excused).

Committee Business: Presentation on community empowerment by the Department of Management.

Adjourned: 4:10 p.m.

EDUCATION

Convened: February 10, 2003, 1:35 p.m.

Members Present: Boettger, Chair; McKinley, Vice Chair; Connolly, Ranking Member; Beall, Behn, Brunkhorst, Holveck, Hosch, Kreiman, Larson, Quirmbach, Redfern, and Rehberg.

Members Absent: Angelo and Dvorsky (both excused).

Committee Business: Presentation on the No Child Left Behind legislation.

Adjourned: 2:30 p.m.

RULES AND ADMINISTRATION

Convened: February 10, 2003, 1:15 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Putney, Ragan, and Sievers.

Members Absent: None.

Committee Business: Approved Governor's appointments to state boards, commissions, and departments.

Adjourned: 1:20 p.m.

TRANSPORTATION

Convened: February 10, 2003, 3:05 p.m.

Members Present: Drake, Chair; Putney, Vice Chair; McCoy, Ranking Member; Beall, Dearden, Fraise, Houser, Johnson, Kettering, Rehberg, Shull, Warnstadt, and Zieman.

Members Absent: None.

Committee Business: Passed [HF 66](#).

Adjourned: 3:25 p.m.

INTRODUCTION OF RESOLUTIONS

[Senate Resolution 9](#), by Holveck, Beall, Black, Bolcom, Connolly, Courtney, Dearden, Dotzler, Dvorsky, Fraise, Gronstal, Hatch, Horn, Kibbie, Kreiman, McCoy, Quirmbach, Ragan, Seng, Stewart, and Warnstadt, a resolution to honor former President Jimmy Carter for winning the Nobel Peace Prize for the year 2002.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

[Senate Resolution 10](#), by Shull and Quirnbach, a resolution to recognize February 12, 2003, as City Day in the State of Iowa.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

[Senate File 107](#), by Johnson and Kibbie, a bill for an act requiring every insurer offering group health insurance to provide coverage for certain enteral formulas.

Read first time under Rule 28 and referred to committee on **Commerce**.

[Senate File 108](#), by Rehberg, a bill for an act making interest on bonds and notes issued for school infrastructure purposes exempt from state income tax.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 109](#), by Connolly, a bill for an act relating to the retirement allowance for an accidental disability under the statewide fire and police retirement system.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 110](#), by Putney, a bill for an act authorizing the issuance of special cattlemen's registration plates to owners of motor trucks.

Read first time under Rule 28 and referred to committee on **Transportation**.

STUDY BILLS RECEIVED

SSB 1062 Ways and Means

Establishing a new economy employment initiative by providing for a partial deduction under the individual income tax for the capital gain from the sale or exchange of capital stock of a corporation acquired by an individual on account of employment with the corporation, limiting the fiscal impact of the partial deductions, and including an effective and retroactive date provision.

SSB 1063 Judiciary

Requiring a physician to report certain burn injuries to the state fire marshal's office, and providing a penalty.

SSB 1064 Judiciary

Creating an exception to the statutory rule against perpetuities and making related changes.

SUBCOMMITTEE ASSIGNMENTS

Senate File 88

JUDICIARY: Boettger, Chair; Kettering and McCoy

Senate File 89

JUDICIARY: Larson, Chair; Horn and Tinsman

Senate File 90

HUMAN RESOURCES: Tinsman, Chair; Horn and Seymour

Senate File 92

EDUCATION: Boettger, Chair; Connolly and McKinley

Senate File 105

HUMAN RESOURCES: McKinley, Chair; Behn and Kreiman

SSB 1062

WAYS AND MEANS: McKinley, Chair; Dotzler and Shull

[SSB 1063](#)

JUDICIARY: Tinsman, Chair; Quirnbach and Rehberg

[SSB 1064](#)

JUDICIARY: Larson, Chair; Holveck and Miller

COMMITTEE REPORT

TRANSPORTATION

Final Bill Action: [HOUSE FILE 66](#), a bill for an act requiring motor vehicle operators to take certain precautions when passing stationary utility maintenance or municipal maintenance vehicles and making a penalty applicable.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Drake, Putney, McCoy, Beall, Dearden, Fraise, Houser, Johnson, Kettering, Rehberg, Shull, Warnstadt, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.